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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,689	11/09/2001	Takeshi Ikuta	SN-US000588	5787

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SHINJYU GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON, DC 20036-2680

EXAMINER

LANGDON, EVAN H

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 04/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,689

Applicant(s)

IKUTA, TAKESHI

Examiner

Evan H Langdon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh in view of Noda.

In regards to claims 1 and 16, Yeh shows a dual-bearing reel 50 with a reel body 51, a rod mount 56 coupled to a fishing rod and attached to the reel body, and having a longitudinal axis that lies on a plane dividing the reel body 51 into first and second sections, a spool 52 rotatively carried in the reel body, and a handle 54 that cranks the spool as seen in Figure 5. The rod mount is at the top of the reel, so that the reel is mounted below the rod in use, as seen in Figure 5.

Yeh fails to show a harness connector including first and second harness clips that removably and reattachably engage a harness where the harness connector is provided on a side of the reel body on which the rod mount is mounted.

Noda teaches a reel body having a longitudinal axis that lies on a plane dividing the reel body 1 into first 11 and second 12 sections, a harness connector including first 40 and second 41 harness clips that removably and reattachably engage the harness where the harness connector is provided on a top side of the reel body on which the rod mount is mounted as seen in Figures 2

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and 3 and where the first 40 and second 41 harness clips are located on the first 11 and second 12 sections of the reel body.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dual-bearing reel of Yeh to include a harness connector on the top side of the reel body, as suggested by Noda, to allow the weight of the rod to be supported by the angler's shoulders, neck and waist.

In regards to claim 3, Yeh as modified by Noda teaches the harness clips are installed with a coupling member 42 as seen in Figures 2 and 3 (Noda).

In regards to claims 4, 5 and 7, Yeh as modified by Noda teaches a rod mount 56 (Yeh) that is removably and reattachably coupled to the reel body, has a mounting pod for coupling to a fishing rod where the mounting pod is a plate-shaped component with a surface curved to fit the surface of the fishing rod as seen in Figure 5 (Yeh).

In regards to claim 6, Yeh as modified by Noda teaches a rod mount attachable to the upper side of the reel body where the reel is disposed below the fishing rod when the rod is connected to a fishing rod as see in Figures 4 and 5 (Yeh).

In regards to claim 8, Yeh as modified by Noda teaches a reel body with first and second side plates 11, 12 (Noda) disposed at a spacing direction of the rotational axis of the spool, and top and bottom connectors 30 and 15 connecting the two plates.

In regards to claims 9-11, Yeh as modified by Noda teaches a rod mount 26 (Yeh) including a leg portion joining the mounting pod and the reel body where the mounting pod is formed unitarily with the leg portion and the leg portion includes a pair of pillar shaped members that extend vertically from the reel body as seen in Figure 1 (Yeh).

In regards to claims 14 and 15, Yeh as modified by Noda teaches the reel further comprising a drag lever 30 for adjusting the drag force of the spool as seen in Figure 1 (Yeh).

In regards to claims 17 and 18, Yeh as modified by Noda teaches a rod mounting means attachable to the upper side of the reel body where the reel is disposed below the fishing rod when the rod is connected to a fishing rod, and where the reel body has rod mount coupling means for coupling the rod mounting means to the reel body removably and reattachably as seen in Figures 4 and 5 (Yeh).

In regards to claim 20, Yeh as modified by Noda teaches a drag lever means 30 (Yeh) for adjusting a drag force of the spool.

In regards to claims 21 and 22, it would have been obvious to one of ordinary skill in the art at the time the invention was made to when modifying the reel of Yeh to include the harness means of Noda, where the clips are located on the first and second side plates 11, 12 (Noda) and the rod connector 56 (Yeh) is disposed between the clips, that the dimensions of a first transverse width, the width between the inner surfaces of the first and second clips, would be greater than the second transverse width, the width of the rod mount, and less than the third transverse width, the width of the inner surfaces of the side plates 11, 12 (Noda).

Response to Amendment

In response to the Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that the references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975).

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However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of the disclosure taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA 1969). In this case, Yeh shows an example of a conventional fishing reel in Figure 5 and provides a need for an improvement including clips for a harness in column 2 on lines 10-15, saying that the foot 56 is easily detached from the fishing rod due to a large force being exerted on the fishing rod during fishing and that the reel body will be detached.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H Langdon whose telephone number is (703)-306-5768. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703)-308-2688. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-308-0552 for regular communications and (703)-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

ehl
April 23, 2003


KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600